Understanding
Te Tiriti o Waitangi
Workbook content

Workbook outline ................................................................. 1
Key terms .............................................................................. 2
Te Tiriti o Waitangi – information sources ........................................... 4
Who are the Moriori? .................................................................. 5
Early European observations .......................................................... 6
Events leading to Te Tiriti .............................................................. 7
Understandings of land agreements .................................................. 8
He Wakaputanga - the Declaration of Independence 1835 .................. 9
Colonial Office Instructions .......................................................... 10
Te Tiriti o Waitangi .................................................................... 11
The Treaty of Waitangi: An expression in English of the text in Te Reo ........... 12
English version ......................................................................... 13
He Whakaputanga me te Tiriti: The Declaration and the Treaty ................ 14
Colonisation ............................................................................. 15
Examples of Central Government Breaches of Te Tiriti o Waitangi ...................... 16
Examples of Māori initiatives and responses post 1840 ............................. 18
Indigenous Peoples’ rights and wellbeing ........................................... 20
The continued relevance of Te Tiriti for the Crown ................................. 21
Te Tiriti in practice ..................................................................... 22
Te Tiriti o Waitangi: personal actions ............................................... 23
Notes / Actions ......................................................................... 24

Note: unless otherwise cited content produced by Groundwork: Facilitating Change.
Please acknowledge the source if copying/sharing these resources.

For queries about this workshop contact:
Groundwork: Facilitating Change
e-mail: tari@groundwork.org.nz
www.groundwork.org.nz
Workshop purpose:
An understanding of Te Tiriti o Waitangi (the Treaty) is critical to working effectively within the community, government and private sectors in Aotearoa/New Zealand. Gaining an appreciation of the context, intentions and on-going significance of Te Tiriti enables participants to recognise its relevance to their work.

This workshop provides participants with an understanding of: why we have a treaty; what it says; colonisation and its impacts; and current treaty issues.

Content:
❖ Welcome and setting the scene
❖ Why have we got a treaty?
  o Origins and settlement
  o 1830s - hapū, Crown, Pākehā relationships
  o He Wakaputanga/Declaration of Independence
❖ What does Te Tiriti o Waitangi say?
  o Understanding the wording and its implications
❖ What happened post-signing?
  o Colonisation process
  o Impacts of colonisation
  o Māori responses
❖ Where we are at now?
  o Key events since 1975 – including Treaty settlements

Whāia te mātauranga kia mārama
Seek knowledge for understanding
### Key terms

<table>
<thead>
<tr>
<th>Articles</th>
<th>Main points in the Treaty documents (not including the Preamble).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assimilation</td>
<td>One group’s culture disappears as members adopt the culture of the dominant group (by choice or in order to survive).</td>
</tr>
<tr>
<td>Bi-cultural</td>
<td>Literally, of two cultures; in New Zealand, it was used in connection with Te Tiriti and thus referring to Māori and Pākehā cultures. The Treaty relationship is now more properly described as bi-lateral, acknowledging its political nature. To be personally bi-cultural is to be equally competent when operating in either of two cultures.</td>
</tr>
<tr>
<td>Colonisation</td>
<td>Extension of territory by which one nation exerts power/political control over another nation, territory or people.</td>
</tr>
<tr>
<td>Cultural competence</td>
<td>Having the skills/capability to ensure cultural safety in cross-cultural interactions.</td>
</tr>
<tr>
<td>Cultural Safety</td>
<td>A group committing itself to ensuring that members of a different culture will not be disadvantaged because their culture is different from the dominant one.</td>
</tr>
<tr>
<td>Dominant group</td>
<td>Group with the power (and assumed authority) to preserve and promote the prevailing distribution of privilege in society. The dominant sector represents that part of society with the capacity to define itself and its culture as the standard or norm by which others are judged and evaluated.</td>
</tr>
<tr>
<td>Equality</td>
<td>Same treatment, usually presuming sameness amongst people; often in the sense of being treated identically.</td>
</tr>
<tr>
<td>Equity</td>
<td>Fairness, recognising difference amongst people; often measured by whether there are comparable outcomes.</td>
</tr>
<tr>
<td>Hapū</td>
<td>Group of related whānau whose members trace descent from a common ancestor; occupy a specific geographic area. Sovereignty and independence of hapū was recognised by the British in 1835. Rangatira who signed Te Tiriti o Waitangi/The Treaty did so on behalf of hapū.</td>
</tr>
<tr>
<td>Iwi</td>
<td>People of affiliated hapū with a common ancestor; largest political unit of tangata whenua; occupies a specifically delineated area.</td>
</tr>
<tr>
<td>Kaitiaki</td>
<td>guardian, steward, custodian, protector, advocate – may be human or supernatural.</td>
</tr>
<tr>
<td>Kaumātua</td>
<td>adult, elder, elderly man, elderly woman, old man - a person of status within the whānau.</td>
</tr>
<tr>
<td>Kaupapa</td>
<td>Philosophy, theme(s), principle(s).</td>
</tr>
<tr>
<td>Kawa</td>
<td>Protocol, e.g. marae protocol.</td>
</tr>
<tr>
<td>Kāwanatanga</td>
<td>Transliteration of “governorship”; Introduced by the missionaries, when translating the Bible. Used in He Wakaputanga / The Declaration of Independence and Te Tiriti o Waitangi. Many Tangata Whenua, especially in the North, were aware of the position of the kāwana (governor) in British colonies (e.g. Australia).</td>
</tr>
<tr>
<td>Kāwana</td>
<td>The people who have the authority to speak about anything to do with a specific place. Must be of that place.</td>
</tr>
<tr>
<td>Mana whenua</td>
<td>Separate identity, autonomy, self-government, self-determination, independence, sovereignty, authority.</td>
</tr>
<tr>
<td><strong>Māori</strong></td>
<td>Usual, normal or ordinary. Adopted in the early nineteenth century by Pākehā to describe the indigenous people of Aotearoa/New Zealand as a whole, in relation to Pākehā.</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Multi-cultural</strong></td>
<td>Literally, of many cultures; in New Zealand, it is used to acknowledge that people of many different ethnic cultural groups live here. It does not incorporate the concept of power; therefore people are increasingly using the term multi-ethnic and reserving the term multi-cultural for situations where several ethnic groups share power (e.g., Singapore).</td>
</tr>
<tr>
<td><strong>Pākehā</strong></td>
<td>Word used for Europeans in Aotearoa as early as 1820. Used by Rev. Williams to describe his own people in the Treaty.</td>
</tr>
<tr>
<td><strong>Treaty Principles</strong></td>
<td>Relatively recent (since 1980’s) interpretations of the Treaty by the Crown and others.</td>
</tr>
<tr>
<td><strong>Rangatira</strong></td>
<td>Used to describe leader(s) of a hapū, primarily determined by descent but also by merit; when used by missionaries, it indicated the highest temporal authority (they reserved “Ariki” for reference to the “Lord” in spiritual terms). The authority of the leaders of hapū. Used in He Wakaputanga / The Declaration of Independence and Te Tiriti o Waitangi.</td>
</tr>
<tr>
<td><strong>Rangatiratanga</strong></td>
<td>Literally, “people of the land” sometimes used to refer to all people of iwi descent; more properly used to refer to people of iwi descent whose ancestors have traditionally occupied the district.</td>
</tr>
<tr>
<td><strong>Raupatu</strong></td>
<td>Taken by force; confiscation (of land).</td>
</tr>
<tr>
<td><strong>Sovereignty</strong></td>
<td>The authority of the sovereign/ruler; authority to rule.</td>
</tr>
<tr>
<td><strong>Tangata Tiriti</strong></td>
<td>People who came to Aotearoa under the authority of Te Tiriti o Waitangi.</td>
</tr>
<tr>
<td><strong>Tangata Whenua</strong></td>
<td>Literally, “people of the land” sometimes used to refer to all people of iwi descent; more properly used to refer to people of iwi descent whose ancestors have traditionally occupied the district.</td>
</tr>
<tr>
<td><strong>Taonga</strong></td>
<td>Treasure, anything prized. Both tangible (carvings, ornaments, weapons etc) and intangible (language, relationships with land and resources, rights, customs, laws, ideas etc.) Taonga relate closely to cultural identity.</td>
</tr>
<tr>
<td><strong>Tauwiwi</strong></td>
<td>“Foreigners” as in “coming from elsewhere”; now in common usage as a term to include Pākehā and other immigrants. Used by Māori in relation to each other in earlier times.</td>
</tr>
<tr>
<td><strong>Tikanga</strong></td>
<td>Practices and procedures associated with a set of beliefs, to be followed in conducting the affairs of a group or individual.</td>
</tr>
<tr>
<td><strong>Tino rangatiratanga</strong></td>
<td>Self-determination, sovereignty, autonomy, self-government, domination, rule, control, power.</td>
</tr>
<tr>
<td><strong>Treaty</strong></td>
<td>Contract between sovereign nations, with rights and responsibilities for each party.</td>
</tr>
<tr>
<td><strong>Tuku whenua</strong></td>
<td>The right that is given to use land for a specific purpose in return for ongoing relationships that were expected to yield mutual benefits.</td>
</tr>
<tr>
<td><strong>Whānau</strong></td>
<td>Family - different from the Pākehā concept of family. A concept that is inclusive of a broader inter-relational group. Whānau-hapū-iwi-waka are all parts of how an individual traces ancestry and thereby affiliation to a group.</td>
</tr>
<tr>
<td><strong>Whakapapa</strong></td>
<td>Genealogy, lineage, descent.</td>
</tr>
<tr>
<td><strong>Whenua</strong></td>
<td>Land, territory, placenta.</td>
</tr>
</tbody>
</table>

Sources: www.maoridictionary.co.nz, Treaty Resource Centre, Rowan Partnership
Te Tiriti o Waitangi – information sources

Books and reports:
Elkington, B. et. al. (2020) Imagining Decolonisation. Wellington: BWB Texts. Explores the impact of colonisation on Māori and non-Māori - presents a transformative vision of a fairer country for all.
Margaret, J. (2019) Becoming really Pākehā E-Tangata. This article considers the necessity to unravel privilege, racism and colonisation, and suggests ways in which Pākehā might work to do so.
Margaret, J (2016). Ngā Rerenga o Te Tiriti: Community organisations engaging with the Treaty of Waitangi Guidance on Treaty application based on learning from community organisations.
Waitangi Tribunal (2014) He Whakaputanga me te Tiriti; The Declaration and the Treaty. Wellington: Legislation Direct. Authoritative and fully-researched account of the Treaty in its 1840 context – non-specialists could focus on the concluding section of each chapter, and all of Chapter 5.

Websites for general information and current issues:
He Tohu: Signatures that shape New Zealand National Library information and resources
Groundwork: Facilitating Change Resources to support individuals and organisations to honour Te Tiriti
Māori Television News and documentaries – including The Negotiators (on Treaty settlements)
Te Arawhiti Māori/Crown relations including Te Kāhui Whakatau (Treaty settlements)
Waitangi Tribunal In-depth reports and information on current Tribunal inquiries

Local information:
Hapū / Iwi websites search by iwi/hapū name
Te Kāhui Māngai Directory of Iwi and Māori Organisations by location

Current affairs:
Ātea (The Spinoff), E-Tangata, Kahu (NZ Herald), Pou Tiaki (Stuff), Te Ao Māori News (Māori TV), Whare Kōrero (iwi radio)
Who are the Moriori?

*quoted from* Rekohu: A report on Moriori and Ngati Mutunga claims in the Chatham Islands, Waitangi Tribunal, 2001

Who are the Moriori and are they really Melanesian? Moriori intend no offence to Melanesians, but it rankles them to be called what, in their traditions, they are not. They claim to be Māori, of the same Polynesian stock, but unique as Māori through the development of a distinct culture. We are satisfied that Moriori are Māori and begin by tracing the sources of the contrary view.

Early Europeans saw cultural difference in terms of superior and inferior races. In 1870, the Reverend Richard Taylor wrote that Māori had ‘progressively advanced’, while Moriori had ‘retrograded’... The ethnographers S Percy Smith and Elsdon Best went further to conclude that Moriori were wholly or partly Melanesian. They were racially distinct and inferior. Influential writers followed that lead, and the thought that Moriori were some lost Melanesians became fixed in popular opinion and elementary educational texts. Since the 1930s, many scholars have refuted Smith and Best, but the popular perception has continued, perpetuated at times by the education system, and this has become a matter of great grievance to Moriori. In the meantime, Māori had appeared to displace the Moriori ‘race’, and this became a useful political myth because somehow it seemed to justify European colonisation of the mainland.

In the 1920s and 1930s, H D Skinner and colleagues from the University of Otago undertook further studies. These showed clearly that Moriori were east Polynesian, the same as Māori. Skinner considered that Moriori were part of the early waves of the many that are now known to have flowed from Polynesia over a long period; that, with others, they settled on the mainland; and that, from the mainland, they moved to Rekohu [ie the Chatham Islands].

From the standpoint of their several disciplines, including archaeology, demography, linguistics, and historical anthropology, Rhys Richards, David Simmons, Lyndsay Head, and others, reached much the same conclusion. In 1985, archaeologist Douglas Sutton... summarised the scientific consensus in five main points:

- **Rekohu has been settled for about as long as most of New Zealand** (however, the date of first settlement has yet to be satisfactorily defined).
- The initial settlement of Rekohu was by double-hulled voyaging canoes from New Zealand.... No specific place of departure can be identified at present.
- Secondary settlement may have occurred from New Zealand (only) before about 1400.
- Thereafter, a stable coastal hunting strategy developed. This involved substantial changes in economy and social structure, which occurred before about 1500.
- In developing a coastal hunting economy, Moriori culture became a highly successful adaptation to the Rekohu environment. As far as can be established at present, there were 1663 Moriori in 1835, 30 years after European sealing began, suggesting a late prehistoric population of about 2000.

Sutton estimated that Moriori initially settled Rekohu in the interval 1000 to 1200, while King suggested, ‘on the balance of probabilities’, 1200 to 1400.

The scientific evidence is compelling: Moriori are the same people as Māori but, through isolation, they are unique as a Māori tribe.

---

*“Can you believe everything you read in the School Journal?*

In 1916, the Journal published a series of articles called ‘The Coming of the Māoris’. These articles claimed that when the first Māori voyagers arrived in New Zealand, another group of people of Melanesian origin were already living here. According to the Journal articles, the descendants of these people later went to the Chatham Islands and became known as the Moriori. The 1916 Part 1 Journal described them as ‘lazy, stupid people, with flat noses and very dark skins’.

In 1916, many people believed this story, and they also believed that all the Moriori had died out.

In fact, we now know that NONE of this is true.”

*Source: School Journal, Part 2 No 2, 2010.*
Early European observations

“A further proof, and not a weak one, of the sound health that these people enjoy, may be taken from the number of old people that we saw ... who, if we may judge by their grey hairs and worn out teeth, were of a very advanced age. Of these few or none were decrepit: the greater number seemed in vivacity and cheerfulness equal to the young, and indeed inferior to them in nothing but the want of equal strength and agility.”

Joseph Banks, botanist, 1769

“I saw no quarrelling while I was there. They are kind to their women and children. I never observed either with a mark of violence upon them, nor did I ever see a child struck.”

Samuel Marsden, missionary, 1814

"There can be no finer children than those of the New Zealanders in any part of the world. Their parents are very indulgent, and they appear always happy and playful and very active."

Samuel Marsden, missionary, 1820

"They are kind and hospitable to strangers, and are excessively fond of their children. On a journey, it is more usual to see the father carrying his infant than the mother; and all the little offices of a nurse are performed by him with the tenderest care and good humour."

Augustus Earle, artist, 1832

“It is not uncommon to see young children of tender years, sitting next to their parents in the councils, apparently listening with the greatest attention ... They ask questions, [and the chiefs] answer them with an air of respect, as if they were a corresponding age to themselves. I do not remember a request of an infant being treated with neglect, or a demand from one of them being slighted.”

Joel Polack, trader, 1840

Source: Banks quote The Endeavour Journal of Joseph Banks, Vol 2
Other quotes: Collated by Dame Anne Salmond in Tears of Rangi
Events leading to Te Tiriti

Māori traditions
Inter-hapū strategic alliances
- gatherings of rangatira to discuss economic, political other matters.
- negotiation of formal treaties, tatau pounamu, a regular practice.

From 1769
- Trade and interaction with European explorers, then whalers, sealers and in the early 1800s, with European missionaries & traders.
- Problems with lawless Pākehā.

From late 1700s
- International trade and travel by Māori – including to Australia, Tahiti, US, UK.

1808 Establishment of Te Wakaminenga o ngā Hapū o Nu Tireni (The General Assembly of the Tribal Nations of New Zealand)
- a confederation, having its own sphere of decision making but committed to upholding the mana of the hapū.

1820 Meeting of Hongi Hika and Waikato with George IV.
- To discuss protection of Māori trade and continue diplomatic efforts to address European lawlessness.
- Beginning of the formal relationship (a covenant) between Ngāpuhi and the Crown.

1831 Letter to William IV from 13 Ngāpuhi rangatira
- Outlined mutual benefits of trade relationship, issues of land alienation, the need for British troublemakers to be disciplined (by the British), and concerns re possible French invasion.
- Reflected a rangatira to rangatira relationship with Britain.
- British Crown responded by appointing Busby as British Resident.

1834 Adoption of Te Wakaminenga flag
- to facilitate international trade
- recognition as a sovereign nation in the international context

1835 Signing of He Wakaputanga / Declaration of Independence
- Initially signed on 28 October by 35 chiefs gathered in a Bay of Islands, subsequently signed by other rangatira.
- Proclamation to the international world of their sovereignty and collective authority.
- Stating any foreign authority could be exercised only as they directed.
- Building on existing alliance with British monarch by:
  o continuing to offer protection to British living on their lands and coming for trade
  o asking support for protection on attempts upon their sovereignty.

1835-1840 Leading up to the signing of Te Tiriti o Waitangi
- Problems with lawless Pākehā had increased, and Busby ineffective in dealing with them. Rangatira wanted the Governor to exercise control over Pākehā, and to ensure hapū and rangatira authority was upheld.
- Te Tiriti of Waitangi was to reinforce the commitments in He Wakaputanga.

Understandings of land agreements

The Waitangi Tribunal’s *Muriwhenua Land Report* states that it is reasonable to judge that Māori expectations of their agreements with Pākehā over land would be based on what was normal to them in their agreements with one another. Māori-Māori land transactions and rights prior to colonisation are described as¹:

Rights to land (which included, of course, all adjacent water areas, rivers, lakes, harbours and open sea) stemmed from three main sources:

<table>
<thead>
<tr>
<th>TAKE TŪPUNA</th>
<th>Ancestral right</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAKE RAUPATU</td>
<td>Right by conquest</td>
</tr>
<tr>
<td>TAKE TUKU WHENUA</td>
<td>Right by gift</td>
</tr>
</tbody>
</table>

Each of these rights derived from the action of the pūtake (who might have been one individual or a group), the original discoverer, or conqueror, or donor. Rights were handed on intact from generation to generation as long as they were sustained by occupation and use, and not lost by some new event such as being gifted away or by conquest.²

What is indicated is a clear understanding of the source of a right. This is particularly useful when it comes to appreciating what was entailed in the gifting of land (take tuku whenua).

A person or group usually acquired land through ancestral rights, i.e. inheritance. The other common method was through gifting, *tuku whenua*. Implicit in every gifting is the notion of mana. If for example land was gifted to one tribe by another for settlement purposes, then the tribe receiving the gift was expected to use the land in such a way so as not to denigrate the mana of the tribe whose goodwill made the gift possible. At all times, the mana of the donor would be expected to be upheld by the other tribe who might reciprocate by setting aside produce such as crops for the donor, allowing right of passage by the donor upon the land at any time, acknowledging the gift on appropriate occasions and in times of war become an ally.

The donor’s obligations would usually extend to providing safe protection from threatening tribes. The tribe which accepted the land would immediately become allies with their benefactors. In all cases, the donor maintained an interest in the land. If the donees could not for any reason fulfil their obligations, the land in the absence of any other takeover would revert to the donor.

A person with sufficient mana, such as a chief, could only make a gift of land knowing that the tribe supported his or her actions. The tribe would have to agree to outsiders occupying some of their territory and that the occupation held no threat to their tribal identity.

Rights to the land could only be extinguished by an action of the donor or by the recipients leaving the land. If they decided to leave the land, ownership of the land would revert to the donor.³

---

³ Ibid., pp. 20-22.
He Wakaputanga - the Declaration of Independence 1835

HE WAKAPUTANGA O TE RANGATIRATANGA O NU TIRENI

1    Ko matou ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua ote nei te huhiwi i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka wakaputa i te Rangatiratanga o to matou wenua a ka meatia ka wakaputia e matou he wenua Rangatira, kia huaina ko te Wakaminenga o nga Hapū o Nu Tireni.

2    Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka mea nei nei nga Tino Rangatira anake i to matou huhiuinga, a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni, ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei matou i to matou huhiuinga.

3    Ko matou ko nga tino Rangatira ka mea nei kia huhiwi ki te runanga ki Waitangi a te Ngahuru i tenei tau kua oti nei te huihui i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka wakaputa i te Rangatiratanga o to matou wenua, kia huaina ko te Wakaminenga o nga Hapū o Nu Tireni.

4    Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingaranhi kia he wenua a matou aohe nana hoki i wakaae ki te Kara mo matou. A no te mea ka atawari matou, ka tiaiki i nga Pākehā e noho nei i uta, e ere mai ana ki te kakariki, koa ka mea ai matou ki te Kingi ka waihei he matua kia matou i to matou Tamakiwanga kia whakahorei to matou Rangatiratanga.

A DECLARATION OF THE INDEPENDENCE OF NEW ZEALAND

1    We, the hereditary chiefs and heads of the tribes (IWI) of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on the 28th day of October, 1835, declare the Independence (RANGATIRATANGA) of our country, which is hereby constituted and declared to be an Independent State, under the designation of the United Tribes (HAPŪ) of New Zealand.

2    All sovereign power (KINGITANGA) and authority (MANA) within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit (TUKUA) any legislative authority separate from themselves in their collective capacity to exist, nor any function of government (KAWANATANGA) to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3    The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes (NGĀ TAUIWI O RUNGA) to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4    They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the chiefs.

(Signed) JAMES BUSBY

British Resident at New Zealand

Flag of the United Tribes of New Zealand
...the increase in national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself by embarking in a measure essentially unjust, and too certainly fraught with calamity to a numerous and inoffensive people whose title to the soil and to the sovereignty of New Zealand is indisputable...

The necessity for the interposition of the Government has, however, become too evident to admit of further inaction.... it can be no longer doubted that an extensive settlement of British subjects will be rapidly established in New Zealand, and that unless protected and restrained by necessary laws and institutions they will repeat unchecked in that quarter of the globe the same process of war and spoliation under which uncivilised tribes have almost invariably disappeared as often as they have been brought into the immediate vicinity of emigrants from the nations of Christendom. To mitigate, and if possible, avert, these disasters, and to rescue the emigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of civil Government. To accomplish this design is the principal object of your mission.

I have already stated that **we acknowledge New Zealand as a sovereign and independent state** so far at least as it is possible to make that acknowledgement in favour of a people composed of numerous dispersed and petty tribes, who possess few political relations to each other, and are incompetent to act or even deliberate in concert. But the admission of their rights, though inevitably qualified by the consideration, is binding on the faith of the British Crown. The Queen, in common with Her Majesty’s predecessor, disclaims for herself and her subjects every pretension to seize on the Islands of New Zealand, or to govern them as a part of the Dominions of Great Britain unless the **free intelligent consent** of the natives, expressed according to their established usage’s, shall first be obtained. Believing, however, that their own welfare would, under the circumstances I have mentioned, be best promoted by the surrender to Her Majesty of a right now so precarious, and little more than nominal, and persuaded that the benefits of British protection and laws administered by British judges would far more compensate for the sacrifice by the natives of a national independence which they are no longer able to maintain, Her Majesty’s government have resolved to authorise you to treat with the aborigines of New Zealand for the recognition of Her Majesty’s sovereign authority over the whole or any part of those Islands which they may be willing to place under Her Majesty’s dominion...

All dealings with the natives for their lands must be conducted on the same **principles of sincerity, justice and good faith** as must govern your transactions with them for the recognition of Her Majesty’s sovereignty in the Islands. Nor is this all: **they must not be permitted to enter into any contracts in which they might be the ignorant and unintentional authors of injuries to themselves.**

KO WIKITORIA te Kuini o Ingarani i tana mahara atawhai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga Tangata maori o Nu Tirani – kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoha o te wenua nei me nga motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua ai nei amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

**Te Tiriti o Waitangi**

KO nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o o ratou wenua.

**Te tauerua**

KO te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

**Te tuatoru**

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini – Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(signed) William Hobson, Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

_Signed at Waitangi, February 6 1840, and afterwards by over 500 Rangatira around the country_
The Treaty of Waitangi:
An expression in English of the text in Te Reo

Signed at Waitangi, February 6 1840, and afterwards by over 500 Rangatira around the country

Preamble
Victoria, the Queen of England, in her gracious thoughtfulness to the Rangatira and Hapu of New Zealand, and in her desire to record her recognition of their paramount authority and that the lands are theirs, so that all may live in peace and good order, has thought it right to send an officer to make arrangements with the Maori people of New Zealand. Let the Rangatira agree to the Kawanatanga (governorship – the delegated duty to govern Pakeha and other non-Maori) of the Queen over all parts of this land and its islands. This is to be done because a great number of her people have settled in this country, and others will come.

The Queen desires to arrange Kawanatanga so that no evil will come to the Maori people, or to the Pakeha who are living here in a state of lawlessness.

Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be the Kawana for all the parts of New Zealand which have been allocated, or shall be allocated, to the Queen. And she says to the Rangatira of the Confederation of the Hapu of New Zealand and the other Rangatira, these are the laws spoken of:

This is the first
The Rangatira of the Confederation and all the other Rangatira who have not joined that Confederation, delegate Kawanatanga to the Queen of England forever for lands entrusted to Pakeha and other non-Maori.

This is the second
The Queen of England will make the arrangements and recognises Tino Rangatiratanga (retained paramount and ultimate authority, which includes sovereignty) of the Rangatira, Hapu and all the people of New Zealand over their lands, villages and everything else that is held precious. But the Rangatira of the Confederation and all the other Rangatira allow the Queen to trade for the use of those pieces of land that the owners consent to allocate, subject to agreement over payment which will be agreed to between the Rangatira and an agent who will be appointed by the Queen.

This is the third
This is the arrangement for the agreement to the Queen’s Kawanatanga. The Queen will care for all the Maori people of New Zealand and ensure that they have the same access to laws and customs as the people of England.

This is the fourth
The Kawana says that all faiths - those of England, of the Wesleyans, of Rome, and also Maori custom and religion - shall all alike be protected by him.

(This fourth article was agreed to before any of the Rangatira had signed the Treaty. It came about when the Catholic Bishop Pompallier asked Hobson that there be a guarantee of freedom of religion. The Anglican missionary William Colenso subsequently worded the article, then Hobson and the Rangatira agreed to it.)

Now we, the Rangatira of the Confederation of the Hapu of New Zealand, assembled here at Waitangi, and we, the other Rangatira of New Zealand, understand the intent of these words and agree to their entirety, and so we put here our names and our marks.

1 Kawanatanga - Governorship: the duty to govern Pākehā and other non-Māori
2 Tino Rangatiratanga - Retained authority, which includes sovereignty

Published by: Network Waitangi Otautahi, April 2018.
English version

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the first
The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

Article the second
Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the third
In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

(signed) William Hobson, Lieutenant-Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified. Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

Two documents
The Treaty in te reo Māori was signed by Captain Hobson and over 500 Rangatira. The English version, only appeared publicly in April 1840 at signings at Port Waikato/Manukau, where the discussion would have been of the content of the Māori text, but the English version was signed (by approximately 40 rangatira).

In international law where there is ambiguity in wording the contra proferente principle applies, which means that a decision is made against the party that drafts the document ie the indigenous language text takes preference.
When rangatira gathered at Waitangi, Waimate, and Mangungu, they brought with them an understanding of the world that was based on whakapapa; on the values of whanaungatanga, manaakitanga, kaitiakitanga, and rangatiratanga; on the imperatives of mana, tapu, and utu… They came from a world in which each hapū was autonomous and exercised power over its own territories, retaining that autonomy even when acting in alliance or concert with other hapū.

The rangatira brought also their own individual experiences and concerns, based on the interests of their hapū; on their relationships with the traders, missionaries, sawyers, whalers, and others who had visited or settled in their lands; and on their engagement with the ideas those people had brought.

The British brought their own perspectives and motivations, which typically included belief in an omnipotent God; in individual rights to life, liberty, and property; in the importance of commerce as a means of personal advancement; in the superiority of British institutions of law and government, under which Parliament held sovereign power; and in their own roles as agents of civilisation.

In February 1840, the leaders of those two worlds established a formal relationship with each other through the mechanism of the treaty. It is our task to determine the nature of that relationship as each party understood it and indeed to determine whether there was any common understanding at all. (Section 1.1)

Summary of Conclusions

At various points in this chapter we have arrived at conclusions about the treaty’s meaning and effect in February 1840. As we have said, the agreement can be found in what signatory rangatira (or at least the great majority of them) were prepared to assent to, based on the proposals that Hobson and his agents put to them, and on the assurances that the rangatira sought and received. Here, we summarise our conclusions.

- The rangatira who signed te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Britain. That is, they did not cede authority to make and enforce law over their people or their territories.
- The rangatira agreed to share power and authority with Britain. They agreed to the Governor having authority to control British subjects in New Zealand, and thereby keep the peace and protect Māori interests.
- The rangatira consented to the treaty on the basis that they and the Governor were to be equals, though they were to have different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis.
- The rangatira agreed to enter land transactions with the Crown, and the Crown promised to investigate pre-treaty land transactions and to return any land that had not been properly acquired from Māori.
- The rangatira appear to have agreed that the Crown would protect them from foreign threats and represent them in international affairs, where that was necessary.

Though Britain went into the treaty negotiation intending to acquire sovereignty, and therefore the power to make and enforce law over both Māori and Pākehā, it did not explain this to the rangatira. Rather, in the explanations of the texts and in the verbal assurances given by Hobson and his agents, it sought the power to control British subjects and thereby to protect Māori. That is the essence of what the rangatira agreed to.
Colonisation

“It is impossible to understand Māori health status or intervene to improve it without understanding our colonial history. A central theme of colonisation is creating a ‘new’ history. In this new history indigenous knowledge, history and beliefs are relabelled as myths, legends and superstition. The land gets ‘discovered’ by a coloniser and the landscape is renamed.... It is easy to assume that the events are accidental or inevitable. We can also assume that colonisation is something confined to the past and not part of our everyday contemporary lives....

The colonisers must have a central belief in their own superiority and that they therefore have superior rights to the territory and resources of indigenous peoples... White is proposed to be more advanced genetically, biologically, intellectually, socially, culturally and spiritually.

Colonisation permits the (mis)appropriation of power and resources from indigenous peoples and their transfer to the newcomers. This process of transfer is supported by layer upon layer of new systems established to determine how resources will be obtained and how they are to be redistributed and to whom. These systems therefore construct who will benefit most and who will be privileged by these systems....

Through this process Māori move from being ‘usual’ or ‘normal’ (a translation of the word Māori) to being ‘different’ from Pākehā, non-Māori, non-indigenous norms. This process of turning Māori into outsiders in our own land shows how colonisation appropriates Māori rights as tangata whenua....”


‘The foundations of society—law, language, natural resources and customs—hold up the whare of Māori society. Every Treaty breach attacks the foundations of the whare.’

Moana Jackson

(cited in Cultural Identity: a resource for educators,1992)

The history of Treaty breaches, then, is part and parcel of the explanations for the social determinants of Māori health. Evidence and submissions from all parties, including the Crown, acknowledged that the legacy of colonisation manifests itself in the lived experience of Māori as a population group today. Māori experience a wide range of socioeconomic inequities that the Tribunal in previous reports has linked back to colonisation and breaches of the Treaty compact. In these ways, and more, the colonisation of New Zealand and its ongoing impacts are as much a determinant of Māori health outcomes as any other, and continues to manifest as institutional racism.

Waitangi Tribunal. (2019) *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*
Examples of Central Government Breaches of Te Tiriti o Waitangi

All “unappropriated” or “waste land”, other than that required for the “rightful and necessary occupation of the aboriginal inhabitants of the said Colony” was deemed Crown land in the Land Claims Ordinance 1841. Although not put into effect by the Crown at the time this ordinance gave statutory recognition to the Crown right of pre-emption, at the expense of any rights to Māori rangatiratanga over their own land. (1841)

Provision was made for Māori education as part of the process of “civilizing” people of iwi descent – “which object may best be attained by assimilating as speedily as possible the habits and usages of the Native to those of the European populations”. (1844)

William Spain completed his work as Commissioner of Land Claims, investigating the validity of all land purchases made before 1840. However many of his recommendations and findings were never acted upon. For example, the site of Wellington was shown to have been an invalid purchase, but the area was not returned to the iwi nor was compensation paid. (1845)

British Parliament passed the New Zealand Constitution Act, conceding to the settlers the administration of all matters relating to land in Aotearoa. The parliament of New Zealand was established without iwi representation because voting was restricted to men who owned land on a single title and since people of iwi descent held land communally, they did not have the vote. (1852)

Beginning of the land wars in Taranaki. The fighting began when the government attempted to force the sale of land at Waitara. (1858)

Following the government’s invasion of the Waikato the Suppression of Rebellion Act was passed suspending the right to a trial before sentencing (habeas corpus) for those found to be in rebellion against the Crown. Military courts were established for the purposes of sentencing and penalties.

The New Zealand Land Settlements Act was passed empowering confiscation of Māori land in any district where a “considerable number” of Māori were believed to be in rebellion (confiscation of 4 million acres). (1863)

The Native Reserves Act put all remaining Māori reserves under government control available for lease to Europeans at very low rentals. (1864)

The Native Land Act was passed which required Land Court hearings to determine land ownership and individualise land title. Owners of iwi descent were forced to spend months in whichever town the court was sitting (if they didn’t appear, their land was automatically taken away) incurring accommodation, legal, land agent and surveying costs. If the land was 5000 acres or less, only ten names were put on the title. This legislation also covered claims of “unjust” confiscations from the land wars - when land was returned to successful claimants, it was in individual rather than communal title. In the next ten years another ten million acres of land were alienated from iwi ownership. (1865)

The Māori Representation Act was set up with four Māori seats in Parliament in response to settler concern that, with individualization of land titles, voters of iwi descent might outnumber Pākehā in some electorates.

Native Schools Act provides for the setting up of schools in Māori villages so long as the hapū provide the land, half the cost of the buildings and 25% of the teacher’s salary. English is to be the only language of instruction of Māori in schools. Later this policy of “English only” was rigorously enforced. (1867)

Chief Justice Prendergast dismisses a case brought by Wiremu Te Kākākura Parata of Ngāti Toa Rangatira as having no legal basis. He argued that there was no such thing as legal Māori title to land and that the Treaty of Waitangi could have no bearing on the case because treaties with ‘simple barbarians’ lacked legal validity. He declared the Treaty a ‘simple nullity’. (1877)

A forced survey of the Parihaka block was peacefully obstructed by Te Ati Awa under Te Whiti’s leadership. This non-violent resistance was central to Te Whiti’s vision and came forty years before Gandhi in India. Several special Acts were passed over the next two years to try to force the people of Parihaka off their land (eg. men could be arrested without warrant, could be held without trial). When these proved unsuccessful the Government sent in over 1600 troops to destroy the community. (1879)

Government could deem land owned by people of iwi descent to be suitable for settlement, paying only 5 shillings an acre for it. The market rate at the time was £30. (1893)
The Advances to Settlers Act provided low interest loans to settlers for land purchase and development; owners of iwi descent were excluded from access to government development finance until the 1930’s.

Validation of Invalid Land Sales Act made some past land deals, which were illegal, legal. (1894)

Old Age Pensions Act passed; anyone with shares in Māori land was disqualified automatically. (1898)

The Māori Land Settlement Act compulsorily placed land that was deemed not necessary or not suitable for occupation by its iwi owners under the control of Land Councils; there were no representatives of iwi descent on these Councils. (1904)

The Suppression of Tohunga Act outlawed the spiritual and educational role of the tohunga. It was a response in particular to the success of the prophet Rua Kenana in convincing his people to remove their children from the debilitating influences of European schools. The legislation was instrumental in forcing Māori communities to shift from their own methods and ideas about healing and knowledge to Western models. (1907)

The Public Works Act authorised the taking of land for public works. Europeans had rights to object and were entitled to compensation, but neither applied in the case of Māori land (until 1974). (1908)

People of iwi descent were deemed eligible for only half the unemployment benefit available to Europeans; this was amended in 1936. (1928)

The Māori Affairs Act set up the Māori Affairs Department to act as the agent for the government in purchasing land from people of iwi descent. It could compulsorily purchase Māori land if it was valued at less than £50. If Māori owners of land couldn’t or wouldn’t develop land according to European standards, the Trustee could lease the land at its unimproved value even if the owners didn’t want that. At the end of the lease period if the original owners wanted the land back they had to pay compensation for the improvements; if they couldn’t raise the capital for the improvements, they lost the land. (1953)

Approximately 100,000 children are taken from their families and put in state care (generally without the consent of the family and for minor reasons like truanting). 80% are Māori. The children live in prison-like conditions and are subjected to physical and sexual violence. (1950s-1980s)

“The education system in New Zealand is operating unsuccessfully... Judged by the system’s own standards Māori children are not being successfully taught... the education system is being operated in breach of the Treaty”. (Wai 11: Report on Te Reo Māori claim) (1986)

14.8% of total population identified themselves as being of iwi descent. 50% of people of iwi descent own their own homes; 70% of all other people do. (2001)

The United Nations Committee on the Elimination of Racial Discrimination determined that “… the [2004 Foreshore and Seabed] legislation appears to the Committee, on balance, to contain discriminatory aspects against … Māori customary titles over the foreshore and seabed”. (2005)

14.9% of total population identified themselves as being of iwi descent. The life expectancy of Māori is over 7 years less than for non-Māori, for both males and females. (2013)

Māori make up 50.9% of the total prison population. Māori are 3 times more likely to be arrested, 3-4 times more likely to be charged, 11 times more likely to be remanded in custody, 4 times more likely to be convicted and 7 times more likely to be imprisoned than non-Māori. (2017)

The Waitangi Tribunal finds multiple breaches of the Treaty by the Crown in relation to health legislation, policy, funding, monitoring and governance. Māori have the worst health outcomes of any group in New Zealand - systemic inequity and Crown inaction in the face of need (institutional racism) are identified as root causes of health inequities for Māori. (2019)

Examples of Māori initiatives and responses post 1840

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840s on</td>
<td>Māori leaders write to Queen Victoria asking her to uphold Te Tiriti</td>
</tr>
<tr>
<td>1843</td>
<td>‘Wairau Incident’ – armed conflict in response to the NZ Company’s attempt to take over Ngāti Toa Rangatira land</td>
</tr>
<tr>
<td>1844</td>
<td>Hone Heke cuts down the pou at Kororāke</td>
</tr>
<tr>
<td>1858</td>
<td>Northern Wars</td>
</tr>
<tr>
<td>1843</td>
<td>Māori leaders write to Queen Victoria asking her to uphold Te Tiriti ‘Wairau Incident’ – armed conflict in response to the NZ Company’s attempt to take over Ngāti Toa Rangatira land</td>
</tr>
<tr>
<td>1860</td>
<td>Kingitanga Movement starts, to protect Māori land ownership and Māori constitutional autonomy.</td>
</tr>
<tr>
<td>1860</td>
<td>Kohimarama Conference – ratification of the Treaty by hapū/iwi</td>
</tr>
<tr>
<td>1844-6</td>
<td>Several new Māori prophetic movements arise, including Pai Mārire, Ringatū, with the aim of restoring Māori authority/ mana motuhake</td>
</tr>
<tr>
<td>1860-70</td>
<td>Kingitanga and Ringatū schools established</td>
</tr>
<tr>
<td>1860-81</td>
<td>Parihaka – non-violent resistance against the taking of Māori land led by Te Whiti o Rongomai and Tohu Kakahi</td>
</tr>
<tr>
<td>1872</td>
<td>Hori Kerei Taiaroa (MP) initiates a parliamentary committee to examine South Island land purchases</td>
</tr>
<tr>
<td>1877</td>
<td><em>Wi Parata v The Bishop of Wellington</em>: court case seeking the return of land no longer being used by the Anglican Church for the purpose given</td>
</tr>
<tr>
<td>1877-1879</td>
<td>Ngāi Tahu prophet Te Maihāroa leads an occupation at Te Ao Mārama (Ōmārama) a special mahinga kai (food gathering) area</td>
</tr>
<tr>
<td>1879</td>
<td>Ōrākei Māori Parliament established to discuss grievances against the Crown</td>
</tr>
<tr>
<td>1882</td>
<td>Deputation of Ngāpuhi chiefs present a petition to Queen Victoria seeking redress for breaches of Te Tiriti</td>
</tr>
<tr>
<td>1884</td>
<td>Deputation led by King Tāwhiao to petition Queen Victoria to give effect to the promises in Te Tiriti</td>
</tr>
<tr>
<td>c.1890</td>
<td>Te Kauhanganui (Kingitanga parliament) established</td>
</tr>
<tr>
<td>1892</td>
<td>Kotahitanga Parliament established at Waitangi focused on the retention of Māori land</td>
</tr>
<tr>
<td>1894</td>
<td>Māori MPs introduce the Native Rights Bill (drafted with the help of the Kotahitanga) to abolish the Native Land Court and give Māori the right to control Māori land and resources</td>
</tr>
<tr>
<td>1900s</td>
<td>Rua Kenana sets up a community at Maungapōhatu and schools for Ngāi Tūhoe</td>
</tr>
<tr>
<td>1909</td>
<td>Young Māori Party formed by Apihana Ngata, Te Rangi Hīroa, James Carroll and Maui Pomare who all became MP's in the settler government</td>
</tr>
<tr>
<td>1914-18</td>
<td>Tainui, led by Te Puea Hērangi, oppose the government’s conscription policy</td>
</tr>
<tr>
<td>1920s</td>
<td>Te Arawa and Ngāti Tūwharetoa have their respective rights over the Rotorua lakes and Lake Taupō recognised by government after longstanding claims.</td>
</tr>
<tr>
<td>1924</td>
<td>Wiremu Ratana, leader of the Ratana movement, takes a deputation to London, but on advice from the New Zealand government, an audience with the King is blocked.</td>
</tr>
<tr>
<td>1932</td>
<td>A petition, signed by more than 30,000 Māori, is presented to the settler Parliament. It calls for the return of confiscated lands and for the Crown to honour promises made in the Treaty of Waitangi to “preserve the ties of brotherhood between Maori and Pakeha for all time”</td>
</tr>
<tr>
<td>1935</td>
<td>Ratana movement forms an alliance with the Labour Party</td>
</tr>
<tr>
<td>1940</td>
<td>Māori leaders advocate for better representation in the 1940 Centennial celebrations, for Māori to be recognised as major contributors to the nation’s first 100 years, and for the Treaty to be recognised as foundational to the nation.</td>
</tr>
<tr>
<td>1951</td>
<td>Māori Women’s Welfare League established to draw together Māori women on a national basis, to address their own and their whānau needs</td>
</tr>
<tr>
<td>1962</td>
<td>New Zealand Māori Council formed as a voice for urban Māori</td>
</tr>
<tr>
<td>1972</td>
<td>Māori language petition presented to Parliament – action led by Ngā Tamatoa</td>
</tr>
</tbody>
</table>
1975  Te Matakite o Aotearoa Land March, led by Whina Cooper, to protest the continued taking of Māori land
1975  Waitangi Tribunal formed to make recommendations on claims that the Crown has breached the Treaty of Waitangi – only applies to Crown actions after 1975
1978  Land occupations at Takaparawhā/Bastion Point and Whaingaroa/Raglan
1979  Waitangi Action Committee established promoting justice for Māori and challenging government Waitangi Day celebrations
1981  Māori involved in Springbok Tour protests raise awareness of racism in Aotearoa
1981  Te Wānanga o Raukawa established
1982  First Te Kōhanga Reo set up
1984-85  Hikoi ki Waitangi to highlight on-going Treaty breaches
1985  Through advocacy of Māori leaders, the Waitangi Tribunal is given retrospective powers to consider claims of Crown breaches dating back to 1840
1986  High Court decision in favour of Tom Te Weehi being able to “exercise a customary Māori fishing right” (as promised in the Treaty of Waitangi)
1987  First iwi radio station (Te Irirangi o te Upoko o te Ika) begins broadcasting
1987  Court of Appeal finds in favour of the New Zealand Māori Council that the transfer of Crown lands to state enterprises without consideration of Māori land claims would be inconsistent with the principles of the Treaty of Waitangi and therefore unlawful in terms of the State-Owned Enterprises Act
1987  Māori Language Act recognises te reo Māori as an official language
1995  Occupation of Pākaitore (Moutoa Gardens) in Whanganui
1999  Hinewehi Mohi sings the national anthem in te reo Māori at the Rugby World Cup
2004  Māori Television begins broadcasting
2004  Foreshore and Seabed Hīkoi – c.40,000 people march to Parliament opposing proposed legislation extinguishing Māori customary title to the foreshore and seabed and vesting it in the Crown.
2008  Māori Party forms coalition with the National Party
2010  NZ endorses United Nations Declaration on the Rights of Indigenous Peoples (Māori were active in its development from 1985)
2012  New Zealand Māori Council claim to the Waitangi Tribunal on freshwater rights
2014  Māori Land Court ruling that Patricia Grace’s land, passed down from her ancestor Wiremu Parata Te Kakakura (Wi Parata), is a Māori reservation, preventing it from being taken under the Public Works Act for the building of the Kāpiti Expressway
2016  The Waitangi Tribunal finds that the Crown’s failure to reduce the number of Māori who reoffend is a breach of the Treaty of Waitangi.
2017  Occupation begins to protect significant lands from development at Ihumātao
2020-2021  Iwi and Māori providers support communities during Covid-19. Leaders raise concerns that the Government’s pandemic response does not reflect its Te Tiriti responsibilities.
2021  On-going calls for Te Tiriti to be honoured. Māori continue to stress the urgent need for systemic change to address institutional racism and inequity in health, education, children in state care, criminal justice, housing and many other areas.

“Ka whawhai tonu mātou. Ake! Ake! Ake!”
Rewi Maniapoto (Ngāti Paretekawa), 1864
Indigenous Peoples’ rights and wellbeing

The United Nations Declaration on the Rights of Indigenous Peoples / Te Whakapuakitanga o te Runanga Whakakotahi i ngā Iwi o te Ao mo ngā Tika o ngā Iwi Taketake, to which New Zealand became a signatory in 2010, has 46 articles that describe internationally recognised human rights standards as they apply to Indigenous Peoples. The rights set out in this Declaration cover significant matters and themes such as:

- the right to identity
- the recognition of collective rights
- the key human rights principles of non-discrimination and equality
- the right to self-determination
- the way in which Indigenous Peoples ought to be consulted on matters that affect them and that is in accordance with the principle of free, prior and informed consent
- the recognition of rights to lands and resources (including remedy breaches)
- the right to the enjoyment of the highest attainable standard of physical and mental health
- the right to education

Measuring whānau wellbeing

‘A further proof, and not a weak one, of the sound health that these people enjoy, may be taken from the number of old people that we saw … who, if we may judge by their grey hairs and worn out teeth, were of a very advanced age. Of these few or none were decrepit: the greater number seemed in vivacity and cheerfulness equal to the young, and indeed inferior to them in nothing but the want of equal strength and agility. (Banks, 1769, p. 240)

Joseph Banks wrote these remarks based on his observations of Māori in 1769–1770, during his journey to Aotearoa New Zealand with Captain James Cook. For Māori the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) statement that “Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health” (United Nations, 2007, Article 24(2)) echoes a time such as that observed by Banks when Māori were free “to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and … customs” (United Nations, 2007, Article 34). These rights are described in the Declaration as minimum standards for Indigenous wellbeing.

Progress toward the realisation of Māori rights as embodied in the 1840 Treaty of Waitangi and the more recent Declaration can be measured through assessments of whether and how close Māori wellbeing is moving toward this minimum, and then positively beyond it.’

The continued relevance of Te Tiriti for the Crown

- Te Tiriti o Waitangi provided the basis for the Crown to establish an authority over British subjects in Aotearoa New Zealand in order that they might live here peacefully. It affirmed te tino rangatiratanga of hapū and created a basis for on-going co-operation and co-existence between the indigenous peoples (tangata whenua) and new arrivals (tangata Tiriti).

- The New Zealand government rests its legitimacy on the 1986 Constitution Act, passed by the New Zealand Parliament. Its right to pass that Act rests on the powers granted to it in the New Zealand Constitution Act 1852, passed by the British Parliament. That Parliament’s right to make that law rests on the Te Tiriti o Waitangi, which is therefore the guarantee that our government is legitimate, provided that it carries out its treaty obligations (see diagram below). Any other source of authority is based on revolutionary might, not right, and is therefore at risk of equally legitimate counter-revolution (peaceful or otherwise).

Government legitimacy rests on Te Tiriti o Waitangi being honoured

- Unlike other similar countries with such treaties (eg Canada, USA) New Zealand has no single unified written constitution and has not consistently built Te Tiriti into our legal system. This and the process of colonisation led to Te Tiriti being devalued and ignored by the Crown for a century, until 1975. During this period the Crown greatly extended its authority far beyond what Te Tiriti granted.

- Since the first Crown breaches, Māori have constantly called on the Crown to honour its Te Tiriti commitments.

- In terms of Crown recognition, the treaty has been gaining prominence since the 1970s. The Treaty of Waitangi Act 1975 has been especially influential. More recently, the United Nations Declaration on the Rights of Indigenous Peoples (to which New Zealand became a signatory in 2010) has presented another avenue by which to hold the Crown to account in its relationship with hapū/iwi/Māori.

- Despite some gains, breaches of Te Tiriti continue as Crown structures and processes actively undermine the exercise of tino rangatiratanga. At a human level and in terms of "the honour of the Crown", it is a grave injustice to use a treaty to gain entrance to another country, then to take all the advantages the treaty offers while refusing to honour the responsibilities, and finally to deny it legal status.

Source: Rowan Partnership and Groundwork: Facilitating Change
Te Tiriti in practice

1. **Kāwanatanga: honourable governance for mutual benefit**
   - How are our processes, actions and decision-making informed and shaped by both tangata whenua and tangata Tiriti worldviews/perspectives?
   - How are we working in partnership with tangata whenua?

2. **Tino Rangatiratanga: Māori self determination/sovereignty**
   - How do we recognise the importance of tangata whenua authority and autonomy?
   - What active steps are we taking to share power and resources, and to support tangata whenua led processes, actions and decision-making?

3. **Ōritetanga: equity for Māori**
   - What specific actions are we undertaking to ensure equitable outcomes for tangata whenua?

4. **Wairuatanga: upholding belief systems**
   - How do we ensure tangata whenua worldviews, values and wairuatanga are respected in our work?
Te Tiriti o Waitangi: personal actions

Below are some suggestions of personal actions tangata Tiriti, in particular, might take in response to Te Tiriti:

❖ Find out more about the history of where you live or work with regard to Te Tiriti - who is tangata whenua and how has colonisation impacted on land ownership.

❖ Find out more about the histories of the people and groups/collectives you are part of e.g. your family, community groups

❖ Learn more about Te Tiriti and encourage others to do so too (see the reading list for some ideas.)

❖ Use online dictionaries and resources to ensure that you are pronouncing/using te reo Māori properly.

❖ Keep up to date with current issues via Māori media – E-Tangata, Ātea, Māori TV, iwi radio and iwi websites.

❖ Ask others about Te Tiriti viewpoints, raise issues for discussion, listen carefully to others - at home, in community groups, at work.

❖ Be a critical consumer of ideas, of stereotypes, of “common sense” assumptions; ask who is speaking, in whose interest, what alternative information is available.

❖ Challenge racist assumptions and stereotypes - both your own and others.

❖ If you have connections with your local school, check whether or how they teach about Te Tiriti.

❖ Check out the Te Tiriti policy of the political parties or candidates you are thinking of voting for.

❖ Contact media (or use social media) to express support for positive Te Tiriti-related media items or to challenge inappropriate commentary.

❖ Find out about Te Tiriti and Māori-led initiatives in organisations you belong to - work, church, community groups, arts, sports and education - and support them.

❖ In your work/community involvement/study ask, “How does this project/action/initiative/research reflect the context of Aotearoa?” “What are the implications for whānau/hapū/iwi/Māori?”

Notes / Actions

Kua tawhiti kē tō haerenga mai, kia kore e haere tonu.
He tino nui rawa ōu mahi, kia kore e mahi nui tonu.
You have come too far, not to go further.
You have done too much, not to do more.
Tā Hēmi Hēnare (Ngāti Hine 1989)